

**THE SECOND CHECK HAS BEEN
COMPLETED. NO LATE-FILED
DOCUMENTS WILL BE REVIEWED
PRIOR TO THE HEARING.**

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00388

CASE NAME: MTTR OF GOMESINDO MONTANO

HEARING:

Hearing Re: REMOVAL OF CONSERVATOR.

COUNSEL:

JENNIE PIMENTEL (PET)...PRO/PER
GOMESINDO MONTANO (CEP)...

GENERAL INFORMATION: continued from 11-12-04. Conservator failed to appear and matter was continued for an O.S.C. re removal. Clerk has given notice. There is no bonding company to notice.

THIS CASE IS SET FOR HEARING ON O.S.C. re removal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Per the minute order of 9-24-04 the court was advised that the Conservatee is now deceased. Court then ordered a final accounting filed.
2. No accounting filed.

RECOMMENDATION:

When an accounting is not filed as required the court shall cause notice to be given to conservator or guardian and attorney. The court shall set the accounting for hearing within 60 days. Failure to file the accounting as ordered or within 45 days of receipt of notice, whichever is longer, shall constitute a contempt. Pr.C. § 2620.2

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00437

CASE NAME: MATTER OF JAMES JOHNSON JR

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MILDRED M JOHNSON (CPE)...JANET M HERRING

JAMES JOHNSON JR (CEP)...

GENERAL INFORMATION: Continued from 12-10-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal was statutorily due on 10-30-04. An inventory was filed on 1/21/05 showing an estate of \$0.00. A declaration is filed by conservator alleging that all of the assets held by petitioner and conservator are community property. Therefore under Pr.C. § 3051, an inventory is not necessary. Question is there is a need for the continuation of the conservatorship of the estate.

RECOMMENDATION:

None.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VC VS00442

CASE NAME: MATTER OF ROBERT A OLCZYK

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MARCIE HOLLINGSWORTH (CPE)...LAW OFFICES OF RICHARD S COLLI

ROBERT A OLCZYK (CEP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the Conservator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01060

CASE NAME: MTTR OF AIDEN DAVIDSON;KASANDRA DAVIDSON;KAITLYNN

HEARING:

Hearing Re: MOTION RE JOINDER OF OTHER PARTY & REQ FOR VISITAT.

COUNSEL:

JAN RILEY (PET)...PRO/PER

AIDEN DAVIDSON (MIN)...

KASANDRA DAVIDSON (MIN)...

KAITLYNN DAVIDSON (MIN)...

SHARON MORMANN (PET)...KERRIE C JUSTICE

JAMIE DAVIDSON (OBJ)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON motion for joinder and for visitation.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner has requested that she be joined to the action as a grandparent seeking visitation. The petitioner has cited authority under the C.C.P. and/or P.C., which is either Penal Code or the Probate Code. In fact the appropriate section falls under none of these codes. The appropriate section is Fam. C. § 3104. Petitioner alleges that a bond exists between the grandparent and the minor so that visitation is in the best interests of the minor.
2. It should be noted that the court has previously ruled on at least 2 occasions that this grandparent is to have no visitation with the minor. There therefore appears to be a major issue on whether such visitation would be in the best interests of the minor.
3. Petitioner is requesting visitation of 1 weekend per month, 1 week in the summer and 24 hours around Christmas time.
4. Guardian has received notice of this hearing. Attorney Lewis has not been noticed, however, she is no longer attorney of record for the minors.
5. Opposition to motion filed by Sharyl Krogemann (daughter of Sharon Mormann) alleging Sharon Mormann should not be allowed to have contact with the minors due to allegations of prior history of abuse.

6. Opposition to motion filed by James and Susan Maddock (maternal grandfather and step-grandmother) requesting the court to not grant Sharon Mormann's request for visitation (supervised or not) alleging there was no preexisting relationship between Sharon and the minors. Objectors further allege that Sharon lacks good judgment.
7. Opposition to motion filed by James Davidson (father) alleging that Sharon Mormann is not fit to care for the minors and therefore, not in the minors' best interests.
8. Opposition filed by guardian, Jan Riley, opposing visitation to Sharon Mormann as well as Family Court Services mediation since the court previously ruled on the issue of visitation by Sharon Mormann and visitation was denied.
9. Guardian Jan Riley also files a request to reappoint Attorney Anne Lewis as counsel for the minors.

RECOMMENDATION: none.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01085

CASE NAME: MTTR OF LUCAS PATTERSON

HEARING:

Petition for Termination of Guardianship

COUNSEL:

VICTOR MASON (PET)...PRO/PER

RUTH MASON (PET)...PRO/PER

LUCAS PATTERSON (MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition to terminate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners are the guardians of the minor. They contend that the minor has run away and refuses to return. He is residing with Deborah Browy, who petitioner alleges will be applying for guardianship. No petition has been filed to date by Browy.
2. Before court grants this petition the court may wish to refer the matter to C.P.S. for a recommendation on what should be done with the minor. The mother of the minor is deceased and the court has ordered that the father is to have no visitation. Browy has not filed for guardianship. Hence, absent a guardianship there is no one who is legally responsible for the minor.
3. File notice of hearing and proof of service on all persons in section 8 of the petition.

RECOMMENDATION:

Refer to C.P.S.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01594

CASE NAME: MTR OF SHALEI LEEANN STONEBURNER

HEARING:

Petition for Appointment of Guardian

COUNSEL:

PATRICIA BRADEN (PET)...PRO/PER
SHALEI LEANN STONEBURNER (MIN)...ANNE E LEWIS
JOSHUA PAUL STONEBURNER (OBJ)...PRO/PER
ROXANN J BRADSHAW (PRO/PER)...PRO/PER

GENERAL INFORMATION: Temporary letters issued 3-9-04. Continued from 4-23-04, 6-25-04, 8-27-04 and 10-29-04. Matter was referred to Court Investigator for report and recommendation. Report is in the file. Court appointed Attorney Lewis for the minor. Father has been given unsupervised visitation. Court has ordered father to attend parenting classes. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by paternal grandmother, minor 1.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Parents have filed written objections.
2. File notice of hearing and proof of mailed service on Court Investigator and maternal grandmother or due diligence declaration.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01625

CASE NAME: MTR OF ASHLEY VICTORIA CAMARENA

HEARING:

Readiness Calendar

COUNSEL:

TERESA C FOSTER (PET)...PRO/PER

ASHLEY VICTORIA CAMARENA (MIN)...SHERRI L KASTILAHN

JOANN GOINS (OBJ)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON readiness calendar.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter was set for settlement conference. Matter apparently did not settle. Matter is now on readiness calendar.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01688

CASE NAME: MATTER OF BREANA LUNA

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

SANDRA LUNA

(PET)...THE HEGNER LAW FIRM

BREANA LUNA

(MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the guardian.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01699

CASE NAME: MATTER OF CHASON JUSTICE BISSLAND

HEARING:

Petition for Appointment of Guardian

COUNSEL:

VIRGINIA M CHENEY (PET)...PRO/PER

RICHARD CHENEY (PET)...PRO/PER

CHASON JUSTICE BISSLAND (MIN)...

GENERAL INFORMATION: Temporary letters issued 7-29-04. Continued from 11-12-04. Court ordered that maternal grandmother was to supervise visits between mother and minor. Donnie Bissland ordered to file written objections. No objections in file. If court continues a matter for filing of written objections or response and party fails to serve and file a timely objection or response, the court may deem the objection or response waived. (Cal. Rule of Court 7.801.) Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandparents, minor 3 mos.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court has waived further notice.
2. Petitioner filed a report on the progress of the parents on 9-3-04. Court then continued the matter with all temporary orders remaining.
3. Petitioner also filed a progress report on the parents on 11-8-04. Report is in the file.

RECOMMENDATION:

None

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01746

CASE NAME: MATTER OF DRAVEN NICHOLSON

HEARING:

Petition for Appointment of Guardian

COUNSEL:

NANCY FISHER	(PET)...PRO/PER
STEPHEN FISHER	(PET)...PRO/PER
DRAVEN NICHOLSON	(MIN)...
LONNY NICHOLSON JR	(OBJ)...PRO/PER

GENERAL INFORMATION: Temporary letters issued 9-29-04. Continued from 11-12-04. Court has referred the matter to the Court Investigator for a report and recommendation. We are awaiting report. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandparents, minor 2.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. Father has filed written objections.

RECOMMENDATION:

Matter is contested. Set on contested calendar after receipt of the Court Investigator report.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01758

CASE NAME: MATTER OF DELILAH, DARLA & DANIEL CERDA

HEARING:

Petition for Appointment of Guardian

COUNSEL:

TERESA INDIA VALENZUELA (PET)...PRO/PER

DELILAH CERDA (MIN)...

DARLA CERDA (MIN)...

DANIEL CERDA (MIN)...KERRIE C JUSTICE

GENERAL INFORMATION: Temporary letters issued 10-20-04. Continued from 11-19-04. Court referred the matter to the Court Investigator for report and recommendation. Report is in the file. Court appointed Attorney Justice for minor.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minor 3.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Due diligence declarations filed as to parents. Judge to decide if sufficient.
2. Court may wish to review confidential screening form.
3. Father appeared and objected. Court should order him to file written objections.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01770

CASE NAME: MTR OF ANTHONY R NUNEZ

HEARING:

Petition for Appointment of Guardian

COUNSEL:

RUTH DELGADO	(PET)...PRO/PER
JOSE R DELGADO	(PET)...PRO/PER
ANTHONY R NUNEZ	(MIN)...

GENERAL INFORMATION: Temporary letters issued 11-8-04. Continued from 12-10-04.
Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by
maternal grandparents, minor 16.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice. Only person served was a sibling, Anthony Munoz, Jr.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01771

CASE NAME: MTR OF NICHOLAS E TAPIA

HEARING:

Petition for Appointment of Guardian

COUNSEL:

RAYMOND J TAPIA	(PET)...PRO/PER
DESIDERIA TAPIA	(PET)...PRO/PER
NICHOLAS E TAPIA	(MIN)...

GENERAL INFORMATION: Temporary letters issued 11-10-04. Continued from 12-10-04. Mother objected at the time of the hearing and was ordered to file written objections. No objections filed. If court continues a matter for filing of written objections or response and party fails to serve and file a timely objection or response, the court may deem the objection or response waived. (Cal. Rule of Court 7.801.) Court has consolidated this matter with the Family Law matter in file VFL 031285 under the VG number. Nothing in the file indicates that a custody issue exists in the Family Law file. If it did then the matter would have to remain under the VFL number and be controlled by the Family Law Court. Court has granted a domestic violence restraining order in the VFL file. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by paternal grandparents, minor 13.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition appears procedurally complete.
2. Minor has requested permission to speak to the court concerning where he should live. As he is over 12 he has a right to be heard.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01805

CASE NAME: MTR OF ADARIUS L HOGAN & LEE A HOGAN

HEARING:

Petition for Appointment of Guardian

COUNSEL:

TORI PORTER FLOYD (PET)...PRO/PER

DONNELL R FLOYD (PET)...PRO/PER

ADARIUS L HOGAN (MIN)...

LEE A HOGAN JR (MIN)...

GENERAL INFORMATION: Temporary letters issued 12-30-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by
cousins, minors 10 and 8.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court needs to inquire what degree of cousins petitioners are. If not first cousins then D.C.S. report required.
2. File notice of hearing and proof of personal service to mother & father
3. File notice of hearing and proof of mailed service to Mary Hardee (MGM)
4. Neither the order prescribing notice nor the petition make reference to the paternal grandparents. Please indicate their identity and provide proof of service.
5. Court may wish to review confidential screening form of Donnell Floyd.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01806

CASE NAME: MATTER OF MICHAEL J HARRIS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

TERI M BROWN	(PET)...PRO/PER
JEFF R BROWN	(PET)...PRO/PER
MICHAEL J HARRIS	(MIN)...

GENERAL INFORMATION: Temporary letters issued 12-30-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by great maternal aunt and uncle, minor 1.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No father is listed on the birth certificate. Court may wish to dispense notice to father and paternal grandparents.
2. Due diligence declaration filed as to mother. Petitioner alleges mother was released from county jail on 1/13/05 and has not contacted anyone with her current address. Court may wish to inquire whether mother has a probation officer who could be contacted for a current address.
3. Due diligence filed as to maternal grandfather (Danny Harris) indicating no information available through telephone directories. Maternal grandfather's ex-wife does not have current address/telephone number. Judge to decide.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01807

CASE NAME: MTR OF RILEY C POWELL & HALEY M PHILLIPS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

LISA M POWELL (PET)...PRO/PER

RILEY C POWELL (MIN)...

HALEY M PHILLIPS (MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minor 2 and 1.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01809

CASE NAME: MATTER OF AMADYUS A POPE-WILLIAMS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

FAIJA POPE-CARTER (PET)...NICOLE ANDER SON

JUANITA DOUGLAS (PET)...NICOLE ANDER SON

AMADYUS A POPE-WILLIAMS (MIN)...CALDWELL, KENNEDY & PORTER

GENERAL INFORMATION: Temporary letters issued 12-30-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother and domestic partner, minor 1.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Pr.C. § 1513 does not recognize domestic partners as relatives. D.C.S. report required.
2. Mother objected at the time of the exparte. Court may wish to order mother to file written objections.
3. Court has appointed Attorney Kennedy for the minor.
4. File notice of hearing and proof of service per order prescribing notice.
5. Court may wish to review confidential screening forms.

RECOMMENDATION:

None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01811

CASE NAME: MATTER OF DYLAN JACKSON & CASSANDRA HERNANDEZ

HEARING:

Petition for Appointment of Guardian

COUNSEL:

SANDRA-KAYE BROWER (PET)...DAVID & TURNER

DYLAN JACKSON (MIN)...

CASSANDRA HERNANDEZ (MIN)...

GENERAL INFORMATION: No file available for review. However, the Court Investigator has requested a continuance to 3/18/05 to complete investigation and report.

RECOMMENDATION:

Continue matter to 3/18/05 at request of Court Investigator

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 02/04/05 TIME: 8:30 DEPT: V12G

CASE #: VG VS01812

CASE NAME: MATTER OF JERRY & HEATHER YARYAN

HEARING:

Petition for Appointment of Guardian

COUNSEL:

KIMBERLY ROBERT (PET)...PRO/PER
JERRY DEAN YARYAN III (MIN)...
HEATHER RAEANN YARYAN (MIN)...

GENERAL INFORMATION: Temporary orders granted on 1/6/05 even though mother appeared to object. Court referred matter to the Court Investigator for investigation and report. Court appointed Attorney Kerrie Justice as counsel for the minors and reserved jurisdiction of reimbursement for costs of minor's counsel

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by paternal aunt, minors 12 & 10

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Need Notice of Hearing and proof of personal service on mother & father. Mother appeared at last hearing and has filed written objections. Court could deem appearance by mother as waiver of notice.
2. Need Notice of Hearing and proof of personal service on oldest minor.
3. Written objections filed by mother
4. Court may wish to review screening form as to petitioner's history.
5. Need Court Investigator report. **CI has requested a continuance to 3/11/05 to complete investigation & report.**
6. Need report of counsel.

RECOMMENDATION:

Need notice and reports from counsel and Court Investigator. Continue matter to 3/11/05 at request of Court Investigator.

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE DAVID A WILLIAMS

DATE:02/04/05

TIME: 8:30 AM

DEPT: V-12G

CASE #: VG 01773

CASE NAME: MATTER OF LACEY DANIELLE WYATT

HEARING: PETITION FOR APPTMT OF GUARDIAN

COUNSEL:

MARLENE A WYATT (PET) ...R.E. SCOTT
LACEY DANIELLE WYATT (MIN)...

GENERAL INFORMATION: continued from 12-17-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minor 15.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of personal service on father and minor. Mother has signed consent and waiver. **Pursuant to Order prescribing notice, mailed notice was completed on father. Notice to minor still outstanding.**

RECOMMENDATION:
None.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002417

CASE NAME: ESTATE OF TIMOTHY S CRANKE

HEARING:

Hearing Re: FILING OF INVENTORY/APPRAISAL.

COUNSEL:

ROBERT MEZEUL (PET)...WILKINSON & WILKINSON

TIMOTHY S CRANKE (DEC)...

STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002560

CASE NAME: ESTATE OF JACQUELINE A RUDOFF

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

ALEXANDRA SOPHIA RUDOFF (PET)...CALDWELL, KENNEDY & PORTER, A.
JACQUELINE A RUDOFF (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of inventory and appraisal for 8-5-05.
Set hearing for filing of status report and/or accounting for 3-17-06. Any accounting to be
filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002562

CASE NAME: ESTATE OF DEREK LAVON BEVILLE

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

LYTERES HODGES (PET)...JOHN F WEBER

DEREK LAVON BEVILLE (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to administer, with limited I.A.E.A
authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition appears procedurally complete.
2. Bond not required as all assets are real property and only limited authority is sought.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of inventory and appraisal for 8-5-05.
Set hearing for filing of status report and/or accounting for 3-17-06. Any accounting to be
filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002563

CASE NAME: ESTATE OF ROPERTO MAIR FONTANILLA

HEARING:

Spousal Property Petition hearing.

COUNSEL:

ROSALIA FONTANILLA (PET)...JULIE GANTENBEIN

ROPERTO MAIR FONTANILLA (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON spousal property petition.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Procedurally correct.

RECOMMENDATION:

Recommended for approval.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002564

CASE NAME: ESTATE OF BILLIE JEAN BARRY MAGGIORA

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

MELVIN LEROY TETER (PET)...EDWARD A RISTOW
BILLIE JEAN BARRY MAGGIORA (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond if 2 persons named act as executors. In this case all but one have declined to act. Hence, bond must be required in the absence of a waiver by all beneficiaries. In this case some of the beneficiaries are minors and cannot waive bond. Bond will have to be set in the amount of \$181,000 with full powers or \$10,000 with limited authority.

RECOMMENDATION:

If petition granted court will have to set future dates. Set bond in the amount of \$181,000 or \$10,000. Set hearing for filing of inventory and appraisal for 8-5-05. Set hearing for filing of status report and/or accounting for 3-17-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002565

CASE NAME: MATTER OF THE OLDER TRUST

HEARING:

Hearing Re: PETITION TO APPOINT TRUSTEE.

COUNSEL:

RICHARD D SMITH

(PET)...LUNDBERG & BAXTER LLP

ROBERT C OLDER

(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition to appoint trustee.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The settlor named successor trustees who have declined to act. The settlor is now deceased. A beneficiary of the trust has nominated petitioner to be the successor trustee.
2. Petitioner alleges that as he has been nominated he is an interested party. As an interested party he may bring a petition to fill a vacancy in the trustee position. (Pr.C. § 15660).
3. Court has the authority to make the appointment pursuant to Pr.C. § 17200(b)(10).
4. There are no objections in the file.

RECOMMENDATION:

Recommended for approval absent objection.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002566

CASE NAME: ESTATE OF CARMEN P GONZALEZ

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

MANUEL GONZALEZ (PET)...DEBRA S POPINEAU
CARMEN P GONZALEZ (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of inventory and appraisal for 8-5-05.
Set hearing for filing of status report and/or accounting for 3-17-06. Any accounting to be
filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002567

CASE NAME: MATTER OF BOBBY R ISOM SR

HEARING:

Petition to determine succession to Real Property

COUNSEL:

MARY ISOM	(PET)...PRO/PER
BOBBY R ISOM SR	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service.

RECOMMENDATION:

Recommended for approval subject to number 1.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002568

CASE NAME: ESTATE OF BEVERLY DON BARRON

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

VALERIE J OWEN	(PET)...	JOHN M RAGER
JOHN P BARRON	(PET)...	JOHN M RAGER
BEVERLY DON BARRON	(DEC)...	

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A authority and \$200,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond be set in the amount of \$200,000. Appears adequate.

RECOMMENDATION:

Recommended for approval and bond of \$200,000. Set hearing for filing of inventory and appraisal for 8-5-05. Set hearing for filing of status report and/or accounting for 3-17-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002570

CASE NAME: ESTATE OF CHARLES DAVID TYLER

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

ANTHONY D TYLER (PET)...ZUMBRUNN LAW CORPORATION
CHARLES DAVID TYLER (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs have waived bond.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of inventory and appraisal for 8-5-05. Set hearing for filing of status report and/or accounting for 3-17-06. Any accounting to be filed 30 days in advance.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01532

CASE NAME: MTR OF THE JOHN W. HERZER TRUST

HEARING:

Hearing Re: PETN FOR REIMBURSEMENT OF EXPENSES.

COUNSEL:

MARY LOU SCHOORS	(PET)...	STANLEY W HODGE
JOHN W HERZER	(DEC)...	
FAITH CHRISTIAN	(STE)...	MARTIN E KELLER
SANDRA KOPP	(MARTIN E KELLER)...MARTIN E

GENERAL INFORMATION: the petitioner filed a petition to be named successor trustee. A competing petition was filed by Faith Christian. The Schoors' petition was denied and she was ordered to pay the costs of suit of Faith Christian.

THIS CASE IS SET FOR HEARING ON MSC re request for reimbursement.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner acted apparently without authority as the interim successor trustee. She alleges that during her time as successor trustee she expended personal funds on behalf of the trust estate in the amount of \$136,745.74. There is no itemization.
2. File notice of hearing and proof of service in accord with the requirements of Pr.C. § 17203. As objections have been filed, did court still wish to require this notice?
3. Objections were filed by successor trustee.
4. Matter has been to MSC several times and continues in MSC. Respondent did not appear at the last hearing due to illness.

RECOMMENDATION:

If no settlement set matter for trial.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01815

CASE NAME: ESTATE OF VIRGINIA K CAREL

HEARING:

Hearing Re: MOTION TO BE RELIEVED AS COUNSEL.

COUNSEL:

SHARON K STATON (PET)...SKORETZ & CHURCH

VIRGINIA K CAREL (DEC)...

DEPT OF HEALTH SERVICES (TP)...

LARRY R CAREL (MICHAEL H ELAM)...MICHAEL H

Vacated by Court on 1/14/05

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01874

CASE NAME: ESTATE OF JOHN ROBERT WILSON

HEARING:

Hearing Re: FILING OF RECEIPTS & FINAL DISCHARGE.

COUNSEL:

RAE ANN WINN (PET)...PRO/PER
JOHN ROBERT WILSON (DEC)...

GENERAL INFORMATION: Receipts and final discharge filed

RECOMMENDATION:

Matter may go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01969

CASE NAME: ESTATE OF MICHIKO CAMPBELL

HEARING:

Waiver of account and for final distribution.

COUNSEL:

SHIRLEY J THOMAS	(PET)...PRO/PER
MICHIKO CAMPBELL	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON waiver of account and final distribution.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The records of this file are somewhat confused. On 6-10-04 our records indicate that a conformed copy of the first and final report on waiver of account was sent to the court. We have no record of the original ever being filed. Neither the conformed document nor the original are in the file. The clerk's office has contacted Ms. Thomas and asked her to provide another copy of the document. She has advised that she doesn't know when she can get all that information together again.
2. At this point we have no document. The court cannot rule in the absence of the petition.

RECOMMENDATION:

Suggest the court order Ms. Thomas to file another copy of the document. Should she fail to comply the court could then issue a citation and treat the matter as any other failure to file an accounting.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02021

CASE NAME: ANNA ARCHER CLINTON

HEARING:

Hearing Re: FILING OF RECEIPTS & FINAL DISCHARGE.

COUNSEL:

WILLIAM LYNN CLINTON (PET)...LUNDBERG & BAXTER LLP
ANNA ARCHER CLINTON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Receipt filed and final discharge submitted.

RECOMMENDATION:

Matter may go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02059

CASE NAME: ESTATE OF MICHAEL J DEL RICO

HEARING:

Hearing Re: FILING OF RECEIPTS & FINAL DISCHARGE.

COUNSEL:

ANITA HERNANDEZ	(PET)...	MARJORIE S ARCHER
MICHAEL J DEL RICO	(DEC)...	

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge order.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Receipts filed and final discharge submitted.

RECOMMENDATION:

Matter may go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02189

CASE NAME: ESTATE OF MARY JEWEL TILLMON

HEARING:
Accounting Review

COUNSEL:

TOMMIE TILLMON (PET)...GABRIELLE R. RANDELL
MARY JEWEL TILLMON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02213

CASE NAME: ESTATE OF JOSEPH STANLEY MARICHISIO

HEARING:

Hearing Re: PETN FOR DETERMINATION OF ENTITLEMENT TO ESTATE DI.

COUNSEL:

JERRY NORTON (PET)...DEBRA S POPINEAU
JOSEPH STANLEY MARCHISIO (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Determination of Entitlement to
Estate Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED:

1. Notice of Hearing filed. However, the Notice of Hearing references an attached mailing list and no mailing list is attached. File proof of mailed service.
2. Petitioner alleges decedent died intestate and was unmarried and had no issue. Petitioner further alleges decedent's father and mother predeceased and decedent never had any siblings. Petitioner alleges decedent was survived by issue of grandparents. Therefore, petitioner alleges 50% of the estate should be distributed to the decedent's father's side, or equally among 8 cousins, and 50% of the estate should be distributed to the decedent's mother's side, or to a surviving uncle. The proposed distribution appears to coincide with PC 6402(d).

RECOMMENDATION:

Need proof of mailed service and then Court's discretion.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02238

CASE NAME: ESTATE OF PAUL GILBERT

HEARING:
Accounting Review

COUNSEL:
PAULETTE GILBERT (PET)...TEDDIE J RANDALL
PAUL GILBERT (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall compel the account by punishment for contempt. Pr.C. § 11050. Issue a citation and have it personally served for OSC re: Why the Personal Representative should not be punished for contempt. If the personal representative does not appear and file the accounting, the representative may be punished for contempt or removed from office or both. Pr.C. § 11052.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02248

CASE NAME: ESTATE OF ERNEST WILLIAM HEYDORN

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JOHN F HEYDORN (PET)...ALLEN A FALSETTI INC
ERNEST WILLIAM HEYDORN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the administrator.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02269

CASE NAME: MTR OF HOWARD GEORGE ST SAUVER

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

ANNETTE BUSH (PET)...CALDWELL, KENNEDY & PORTER, A.
HOWARD GEORGE ST SAUVER (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02326

CASE NAME: ESTATE OF JEAN S JENKINS

HEARING:

Hearing Re: PETN FOR WAIVER OF APPRAISAL BY PROBATE REFEREE.

COUNSEL:

JENNIFER S MOORE (PET)...PRO/PER
JEAN S JENKINS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition to waive requirement of appraisal by probate referee.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The decedent owned 600 shares of stock. Stocks are among the items that must be appraised by a probate referee. The court has the power to waive the requirement of appraisal by a probate referee upon petition and showing of good cause. (Pr.C. § 8903). Petitioner alleges that she has obtained a value for the assets from the stock's internet site.
2. File notice of hearing and proof of service on all heirs and on the probate referee B. M. Garvin. Notice to probate referee mandatory.

RECOMMENDATION:

Recommended for approval subject to number 2 and absent objection.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 02/04/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02347

CASE NAME: ESTATE OF JOSEPH PATRICK LYNCH SR

HEARING:

OSC re: WHY PERSONAL REP SHOULD NOT BE PUNISHED FOR CONTEM

COUNSEL:

PATRICK J LYNCH (PET)...PRO/PER
JOSEPH P LYNCH (PET)...PRO
JOSEPH PATRICK LYNCH SR (DEC)...

GENERAL INFORMATION: This OSC was set as a result for the failure to file an accounting/status report. A Petition for Final Distribution has been filed by petitioners and is set on the Court's calendar for 3/25/05.

THIS CASE IS SET FOR HEARING ON O.S.C. re contempt for failure to file accounting/status report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court has issued citations for service on administrator and counsel. Proof of personal service has been filed as to Patrick Lynch (citation served 1/14/05). Process server alleges he has been unable to effect service on Joseph Lynch.

RECOMMENDATION:

None

State of California Superior Courts

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ADD ON

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE RUFUS YENT

DATE:02/04/05

TIME: 8:30

DEPT: VPR

CASE #: VG 01433

CASE NAME:MATTER OF SAMANTHA N VOEST ET AL

HEARING: Setting dates for I&A and Accounting

COUNSEL:

JO ANNE E VOEST

(PET)...LAWRENCE J VANNI

SAMANTHA N VOEST

(MIN)...

RHIANNON M VOEST

(MIN)...

STEVEN J VOEST

(MIN)...

GENERAL INFORMATION: Continued from 2-13, 4-9, 7-9 and 1 -7-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Setting inventory and appraisal and accounting dates.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The court approved the petition for guardianship on 8-1-03. The court did not set dates for the filing of an inventory and appraisal or an accounting due to the fact that this case needed to be coordinated with VPR 01892. That matter is on calendar in this department this date. The probate matter is set for status report and no report has been filed. Nothing new filed.

RECOMMENDATION:

Continue to trail VPR 01892.

State of California Superior Courts

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ADD ON

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RUFUS YENT

DATE:02/04/05

TIME: 8:30

DEPT: VPR

CASE #: VPR 02213

CASE NAME: ESTATE OF JOSEPH STANLEY MARCHISIO

HEARING: ACCOUNTING REVIEW

COUNSEL:

JERRY NORTON

JOSEPH STANLEY MARCHISIO

(PET)...DEBRA S POPINEAU

(DEC)...

GENERAL INFORMATION This matter is scheduled for determination of right to distribution also set this date (Matter 18). Assuming the petition to determine entitlement to the estate has been approved, the following notes are made as to the first and final account.

THIS CASE IS SET FOR HEARING ON First and final account (Accounting period: 7/28/03 – 11/17/04)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Petitioner requests statutory commission of \$7,733.46. Ok.
2. Attorney requests statutory fees of \$7,733.46. Ok.
3. Petitioner requests reimbursement of costs of \$467.98 for expenses incurred. The expenses itemized including food and lodging as petitioner lives in Walnut, California and traveled to/from Hesperia, California (decedent's residence). Appears itemized. JTD
4. Attorney requests reimbursement of costs advanced of \$126.90. Appears itemized. JTD
5. Petitioner requests authority to withhold the sum of \$1,250 for closing expenses.

RECOMMENDATION:

Recommended for approval subject to Court's determination of petition to determine entitlement (Matter 18) and approval of costs advanced. Once approved, set hearing on final discharge for 2/17/06.

State of California Superior Courts

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ADD ON

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE RUFUS YENT

DATE:02/04/05

TIME: 8:30

DEPT: VPR

CASE #: VPR 01892

CASE NAME: MATTER OF ESTATE OF TONY ANTONIUS VOEST

HEARING:

Hearing re Filing of Status Report and/or Accting.

COUNSEL:

JOANNE E. VOEST

(PET)...MCCOLGAN & VANNI

TONY ANTONIUS VOEST

(DEC)

GREGORY M. HULTGREN

(TP)

GENERAL INFORMATION: CONTINUED FROM 4-9-04, 7-9-04 & 1-7-05

On 4-9-04 this matter was scheduled for status and/or accounting. Petitioner filed a document indicating that they needed another 60 days to resolve the issues. No proper notice of hearing in accord with Pr. C. § 12201 was filed. Nonetheless, the Court granted a 90 day extension. On 7-9-04, the petitioner failed to file a status report and did not correct the notice problem. Petitioner has filed a request to confirm sale of real property, but has failed to comply with court orders concerning the filing of proper notice.

THIS CASE IS SET FOR HEARING ON status/accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. Need to file Notice of Hearing and proof of service per Pr.C. § 12201
2. Status Report filed and petitioner alleges estate is not in a position to close pending the Court's approval of the Report of Sale and Petition for Order Confirming Sale of real property. The Report of Sale is also before the Court this date (next matter).

RECOMMENDATION:

Need notice. Court refuse to confirm the sale of real property until such time as the petitioner complies with court orders.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE RUFUS L YENT

DATE: 01/07/05 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01892

CASE NAME: ESTATE OF TONY ANTONIUS VOEST

HEARING:

Report Sale and Petition for Order Confirming Sale of Real Property.

COUNSEL:

JOANNE E VOEST (PET)...MCCOLGAN & VANNI
TONY ANTONIUS VOEST (DEC)...
GREGORY M HULTGREN (TP)...

GENERAL INFORMATION: As indicated on the preceding page, it is recommended that the court refuse to consider this petition until the petitioner complies with prior court orders. Should the petitioner in fact comply prior to hearing the following notes are applicable to this petition.

Continued from 1/7/05

Address	1/3 interest in 13315-19 W. Washington Blvd., Culver City APN# 4236-025-003 (Property 1) 1/3 interest in 13123 W. Washington Blvd., Culver City APN# 4236-025-002 (Property 2) 1/3 interest in common stock of Foreign Auto Haus , A Calif. Corp.(Personal property)
Appraised value	\$520,500.00
Sale price	\$212,500 Property 1 \$288,333 Property 2 \$5,000 stocks.
First overbid	\$526,333.00
Deposit	\$50,588.00 (10% of real property sale prices)

Commission	None
Additional bond	\$500,000
Reason for sale	Pay debts, expenses and taxes.
Exposure to market	Petitioner alleges that sale is private and therefore exposure was not necessary.
Notice	Notice has been waived by heirs and by proposed buyers. However, special notice is needed to be given to Irene Voest and to her counsel, Gregory Hultgren.